

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION LD.NO.2944 OF 2004

M/s.Noor Medical & General Stores & Ors. ...Petitioners.

Vs.

Addl. Commissioner, Bombay, Food &
Drugs Administration & Ors. ...Respondents.

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Mr. O. P. Parihar i/b. M/s.P. Kumar & Co. for the Petitioners.

Mr.Shekhar Ingavale, AGP for the Respondents.

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CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

November 5, 2004.

P.C.:

This petition has been heard together with Writ Petition (Lodging) No.2943 of 2004 in which an order has been passed dismissing the Petition. The licence granted to the Petitioners under the Drugs and Cosmetics Rules, 1940, has been suspended from 1st November 2004 to 30th November 2004. A notice to show cause was issued to the Petitioners on 3rd February 2003 detailing out several violations of the provisions of the Rules which were alleged to have been committed by the Petitioners and which came to be detected during the course of an inspection. This included the failure to maintain proper records in regard to the purchase and sale of Drugs, absence of cleanliness and hygiene

and the storage of the Drugs at room temperature when such Drugs were specifically required to be maintained at a temperature below 25 degrees centigrade. The reply filed by the Petitioners was examined and has not been found to be satisfactory. Having regard to the nature of the allegations against the Petitioners, which have been found to be substantiated by the authorities, the order of suspension cannot be faulted. The petitioners are retailers of Drugs. The Drugs and Cosmetics Rules, 1940 are intended to secure public interest. A breach of the kind involved in the present case cannot be condoned. The principles of natural justice have been duly observed. We find no reason to interfere. The Writ Petition is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.